

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 13 Cr. 345 (LGS)  
: DECLARATION IN SUPPORT OF  
: MOTION FOR RECONSIDERATION  
- *against* - :  
ANTIONE CHAMBERS, :  
: Defendant.  
:-----x

Joshua L. Dratel, Esq., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an attorney, and I represent defendant Antione Chambers in the above-captioned case by CJA appointment. I make this Declaration in support of Mr. Chambers's motion to reconsider the denial of Mr. Chambers's pre-trial motion to suppress identification evidence related to Mr. Chambers, and/or for a hearing on this issue, in light of the government's February 24, 2014, letter informing counsel of a previously undisclosed identification procedure.
2. The bases for these motions are set forth in detail in the accompanying Memorandum of Law. In essence, Mr. Chambers is entitled to reconsideration of the denial of his pre-trial motion to suppress the identification evidence because the recently disclosed single photograph identification procedure, which could not have been discovered with due diligence by the defense, dispossessively rendered any identification of Mr. Chambers unduly suggestive, and therefore denied him Due Process as guaranteed by the Fifth Amendment.

Also, it is respectfully requested that the facts set forth within the Memorandum of Law be incorporated by reference in this Declaration.

WHEREFORE, it is respectfully requested that the Court grant Mr. Chambers's motion to reconsider, and suppress the identification evidence, or, in the alternative, order a hearing to assess its reliability.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed May 5, 2014.

/S/ Joshua L. Dratel  
JOSHUA L. DRATEL